

## BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: FREDERICK MARK GOODWIN, M.D.

### CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Frederick Mark Goodwin, M.D. ("Dr. Goodwin"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

### FINDINGS OF FACT

1. Dr. Goodwin currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 14757, issued originally in 1986. Dr. Goodwin's address of record is in Lakeland, Florida.

2. On or about April 23, 2009, the Florida Department of Health, Board of Medicine, issued a Final Order in the matter of *Department of Health v. Frederick Mark Goodwin, M.D.* In the Final Order, the Florida Department of Health, Board of Medicine, approved and adopted a Settlement Agreement between the Department of Health and Dr. Goodwin. The Settlement Agreement terminated an Administrative Complaint against Dr. Goodwin. The Final Order instituted the following disposition, discipline and/or penalty against Dr. Goodwin:

- a. a Letter of Concern;
- b. a five thousand dollar (\$5,000) fine;
- c. reimbursement of costs;

d. performance of fifty (50) hours of community service outside of Dr. Goodwin's regular practice setting;

e. attendance at five (5) hours of Continuing Medical Education in "Risk Management"; and,

f. presentation of a one (1) hour lecture on Wrong Site Surgeries.

3. The Complaint Committee of the Board initiated a Complaint against Dr. Goodwin on July 13, 2009, based upon the action taken against him by the Florida Department of Health, Board of Medicine, on April 23, 2009.

4. Dr. Goodwin responded, by counsel, on August 12, 2009, to the Complaint filed by the Complaint Committee noting that while he had entered into a Settlement Agreement with the Florida Department of Health, he had not admitted or denied the allegations of the underlying Administrative Complaint. Dr. Goodwin further denied that he had engaged in unprofessional or unethical conduct and disputed the notion that the Final Order of the Florida Department of Health equated to his license being "acted against" as contemplated by 11 CSR 1A 12.1(g).

### CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Goodwin pursuant to W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (g) relating to having his license in another jurisdiction acted against and subjected to disciplinary action.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Goodwin and to proceed without the

filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Goodwin enters into this Consent Order.

### CONSENT

Frederick Mark Goodwin, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Goodwin acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14 (h) and W. Va. Code § 29A-5-1, *et seq.*

2. Dr. Goodwin further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Goodwin waives all rights to such a hearing.

4. Dr. Goodwin consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Goodwin understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.


## ORDER

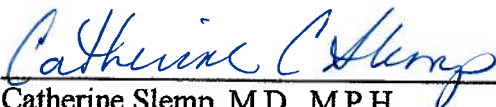
**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Goodwin, the West Virginia Board of Medicine hereby **ORDERS** as follows:

Frederick Mark Goodwin, M.D., is hereby **PUBLICLY REPRIMANDED** for having his license in another jurisdiction acted against and subjected to disciplinary action.

The foregoing Order was entered this 13th day of October, 2009.

### WEST VIRGINIA BOARD OF MEDICINE

  
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John A. Wade, Jr., M.D.  
President

  
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Catherine Slomp, M.D., M.P.H.  
Secretary

  
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Frederick Mark Goodwin, M.D.

Date: October 1, 2009

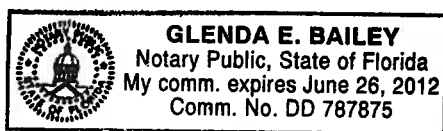
STATE OF Florida

COUNTY OF Polk

I, Glenda E Bailey, a Notary Public in and for said county and state do hereby certify that Frederick Mark Goodwin, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 1<sup>st</sup> day of October, 2009.

My commission expires June 26, 2012.



Glenda E Bailey  
Notary Public